

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUDY OXFORD, et al.,

No. C 05-04946 SI

Plaintiffs,

**ORDER DENYING MOTION TO
TRANSFER ACTION UNDER 28 U.S.C.
§ 1407**

v.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

Defendant Todd Shipyards Corporation (“Todd”) has filed a motion to transfer this action to the Eastern District of Pennsylvania. Todd contends that transfer is warranted because this action is a “tag along action” to *In Re Asbestos Products Liability Litigation* (No. VI), MDL-875.¹

The Court agrees that this action appears to qualify as a “tag-along action,” because it shares “common questions of fact” with the previously consolidated asbestos cases. *See In re Asbestos Prods. Liability Litig.* (No. VI), 771 F. Supp. 415 (Jud. Pan. Mult. Lit., July 29, 1991) (consolidating pending, pretrial asbestos cases in the Eastern District of Pennsylvania); Judicial Panel on Multidistrict Litigation, Proc. Rule 1.1 (defining “tag-along action”). 28 U.S.C. § 1407, however, clearly states that “[s]uch transfers shall be made by the judicial panel on multidistrict litigation.” 28 U.S.C. § 1407(a). Indeed, the statute provides that proceedings for the transfer of an action may be initiated only by:

(i) the judicial panel on multidistrict litigation upon its own initiative, or

(ii) motion *filed with the panel* by a party in any action in which transfer for coordinated or consolidated pretrial proceedings under this section may be appropriate.

¹Defendant General Electric has also filed with this Court a Notice of Tag Along Action, contending that this action should be transferred to the Eastern District of Pennsylvania. It is unclear whether this notice was filed with the Judicial Panel on Multidistrict Litigation.

1 28 U.S.C. § 1407(c).

2 Thus, although it appears that this action qualifies as a “tag-along action” and should be
3 consolidated with the other asbestos cases in the Eastern District of Pennsylvania, the Court must DENY
4 Todd’s motion to transfer (Docket No. 10). The Judicial Panel on Multidistrict Litigation is the proper
5 forum for Todd’s motion.

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7 **IT IS SO ORDERED.**

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9 Dated: 1/24/06



SUSAN ILLSTON
United States District Judge